

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHELBY CAMPBELL,

Plaintiff,

v.

FEDERAL ELECTION
COMMISSION, UNITED STATES
OF AMERICA,

Defendants.

Civil No. 2:26-cv-10849

Honorable Laurie J. Michelson

Magistrate Judge Kimberly G.
Altman

**DEFENDANT FEDERAL ELECTION COMMISSION'S MOTION TO
DISMISS THE COMPLAINT UNDER RULE 12(b)(1) OF THE FEDERAL
RULES OF CIVIL PROCEDURE**

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Defendant Federal Election Commission, by and through its attorneys, move to dismiss plaintiff's Complaint under Rule 12(b)(1) of the Federal Rules of Civil Procedure. The grounds for this motion are set forth with more specificity in the attached supporting brief.

Under Local Rule 7.1 of the United States District Court for the Eastern District of Michigan (Am. Jan. 1, 2026), on **June 17, 2026**, I wrote to plaintiff and explained the legal and factual basis of this motion. Plaintiff stated that she opposed the motion.

Respectfully submitted,

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Dated: June 22, 2026

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**BRIEF IN SUPPORT OF DEFENDANT FEDERAL ELECTION
COMMISSION'S MOTION TO DISMISS**

ISSUES PRESENTED

- I. Should the Complaint be dismissed for lack of subject matter jurisdiction because Plaintiff fails to demonstrate Article III standing?
- II. Does Plaintiff make the requisite showing for declaratory or injunctive relief?

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INTRODUCTION

Defendant Federal Election Commission (“Commission” or “FEC”) respectfully files this motion to dismiss pro se plaintiff Shelby Campbell’s Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) because plaintiff fails to establish Article III standing and therefore this Court lacks subject matter jurisdiction.

Plaintiff, a congressional candidate for Michigan’s 13th District, raises broad constitutional challenges to the federal campaign finance system, asserting that this system operates within a greater economic construct that has historically burdened and excluded various groups, primarily women, and continues to disadvantage them. (Pl.’s Compl. for Declaratory and Injunctive Relief (“Compl.”) (ECF No. 1).) She argues that the federal campaign finance system violates the Fifth Amendment’s equal protection component and the First Amendment rights of free speech and “meaningful political participation.” According to plaintiff, she must contend with these ongoing inequalities as she runs for office in 2026.

The Complaint should be dismissed under Fed. R. Civ. P. 12(b)(1) because plaintiff does not meet her burden to satisfy any of the three prongs of Article III standing. Plaintiff’s alleged injury is not legally cognizable because it amounts to no more than a generalized grievance that, if true, would be shared by various groups in society, and is not particularized to her. Plaintiff does not explain how a

centuries-long pattern of unequal access to the United States political system applies to the Federal Election Campaign Act (“FECA”), 52 U.S.C. §§ 30101-45, which was passed in 1971 and amended in 1974, well after the inequalities plaintiff alleges began. Questions of timeline aside, the Complaint never cites a single FECA provision nor does it explain how the Commission caused any of plaintiff’s purported injuries; thus, the harm asserted by plaintiff is not traceable to the Commission. Moreover, plaintiff does not show that her claims, which center on principles of equality, are likely to be redressed by a favorable ruling. Plaintiff’s general critique of the “historical conditions” affecting “the modern campaign finance system” is a policy complaint that Congress has not legislated in the manner plaintiff would prefer and is insufficient for standing. Furthermore, the Supreme Court’s landmark decision in *Buckley v. Valeo* set forth that principles of equality do not underly FECA and thus, such a claim is foreclosed by precedent in any event. In the absence of standing, plaintiff shows no entitlement to injunctive or declaratory relief. Accordingly, the Court should dismiss the Complaint.

BACKGROUND

I. THE PARTIES

Plaintiff Shelby Campbell is a United States citizen who resides in Michigan and is a candidate for the United States House of Representatives in Michigan’s 13th Congressional District. (Compl. ¶ 15.) As a candidate for office, plaintiff

claims she must conduct campaign activities in compliance with FECA. (*Id.* ¶¶ 38-39.)

Defendant FEC is a six-member, independent agency of the United States government with jurisdiction over the administration, interpretation, and civil enforcement of FECA. 52 U.S.C. §§ 30101-45. *See generally* 52 U.S.C. §§ 30106(b)(1), 30107(a), 30109. The Federal Election Campaign Act Amendments of 1974 created the FEC. *See* Pub. L. 93-443, 88 Stat. 1263, 1280 (1974). Congress provided for the Commission to “prepare written rules for the conduct of its activities,” 52 U.S.C. § 30106(e), “formulate policy” under FECA, *see, e.g.*, 52 U.S.C. § 30106(b)(1), and make rules and issue advisory opinions, 52 U.S.C. §§ 30107(a)(7), (8); *id.* §§ 30108; 30111(a)(8); *see also Buckley*, 424 U.S. 1, 109-11 (1976) (per curiam). The Commission is also authorized to institute investigations of possible violations of FECA, 52 U.S.C. § 30109(a)(1)-(2), and to initiate civil enforcement actions in the United States district courts. *Id.* §§ 30106(b)(1), 30107(a)(6), 30107(e), 30109(a)(6).

The United States, through the Department of Justice, prosecutes criminal violations of FECA, *see* 52 U.S.C. § 30109(d).

II. PLAINTIFF’S COMPLAINT

Plaintiff’s Complaint broadly challenges the entire “modern campaign finance system,” which she alleges has historically excluded certain groups, and

particularly women. (*See generally* Compl. ¶¶ 20-36, 46-63.) As a participant in the political system, plaintiff alleges that she is subject to the historical and ongoing barriers that women face. (*Id.* ¶¶ 38, 40, 43-45.) Plaintiff asserts that she has invested significant personal financial resources into her congressional campaign. (*Id.* ¶¶ 41-42.) Plaintiff claims she must do so because she does not have access to “established donor networks,” which would allow her to raise funds from external sources. (*Id.* ¶ 41.) Plaintiff alleges that these external, “longstanding donor networks” are “historically less accessible” to woman candidates. (*Id.* ¶¶ 43-44.)

The Complaint does not cite a specific provision of FECA, but instead refers generally to the federal campaign finance system. (*See* Compl. ¶ 57 (referring to “the FECA”); *see also id.* ¶ 58.) Plaintiff raises three claims against the Commission and the United States (“defendants”). First, she argues that the “Structural Political Participation Inequality” in the political system violates the equal protection component of the Fifth Amendment. (*Id.* ¶¶ 64-81.) Second, she asserts that the political system violates her First Amendment rights of “Political Speech and Meaningful Political Participation.” (*Id.* ¶¶ 82-97.) Third, plaintiff asks for declaratory and injunctive relief—under the Declaratory Judgment Act, 28

U.S.C. § 2201—preventing defendants from enforcing the “regulatory framework” in a manner that violates the Constitution. (*Id.* ¶¶ 98-104.)¹

SUMMARY OF ARGUMENT

Plaintiff falls far short of meeting her burden to establish Article III jurisdiction on this Court. Her allegations do not meet any of the three elements of Article III standing. Rather than allege an injury that is concrete and particularized, she raises only an abstract, generalized grievance that is not a legally cognizable injury. She does not tie any conduct of the Commission, let alone any provision of FECA, to the harms she claims to have suffered. Additionally, to the extent her Complaint alleges that FECA requires equality in the campaign finance system, this claim is a policy complaint against Congress and one that has been rejected by the Supreme Court; thus, she does not plausibly allege that a favorable ruling would grant her redress. Having failed to establish

¹ Although plaintiff appears to raise a constitutional claim, she has not invoked FECA’s judicial review provision, 52 U.S.C. § 30110, which provides for review of certain challenges to the constitutionality of provisions of FECA, and for the district court to certify questions of constitutionality to the court of appeals sitting en banc. *See id.* Regardless of whether the Complaint can be construed to fall under this provision, § 30110 claims are nonetheless “circumscribed by the constitutional limitations on the jurisdiction of the federal courts.” *California Med. Ass’n v. FEC*, 453 U.S. 182, 192 n.14 (1981). Thus, a “party seeking to invoke [section 30110] must have standing to raise the constitutional claim,” and plaintiff fails to satisfy this fundamental requirement here. *Id.*

standing, plaintiff also does not make a showing for declaratory and injunctive relief. The Court should dismiss this case.

ARGUMENT

I. **PLAINTIFF FAILS TO MAKE A PROPER SHOWING UNDER EACH ELEMENT OF ARTICLE III STANDING**

A. **Plaintiff’s Burden to Show Article III Standing**

As the party invoking federal jurisdiction, plaintiff bears the burden of demonstrating she has properly invoked the Court’s subject matter jurisdiction. *Cartwright v. Garner*, 751 F.3d 752, 760 (6th Cir. 2014). A motion to dismiss for lack of standing is properly considered under Rule 12(b)(1) for “lack of subject-matter jurisdiction.” *See* Fed. R. Civ. P. 12(b)(1). Article III standing is a jurisdictional requirement, and courts may not adjudicate a matter in its absence. *Tennessee Gen. Assembly . U.S. Dep’t of State*, 931 F.3d 499, 507 (6th Cir. 2019), cert. denied, 141 S. Ct. 549 (2020). In reviewing a Rule 12 motion to dismiss for lack of standing, the Court will “construe the complaint in the light most favorable to the plaintiff,” accepting as true “all well-pleaded factual allegations in the complaint.” *Universal Life Church Monastery Storehouse v. Nabors*, 35 F.4th 1021, 1031 (6th Cir. 2022).

Although plaintiff’s status as a pro se litigant entitles her complaint to be construed liberally, *see Williams v. Curtin*, 631 F.3d 380, 383 (6th Cir. 2011), she must still establish Article III standing, and a court must dismiss a pro se plaintiff’s

claims for lack of subject-matter jurisdiction if she fails to meet that burden. *See Pilgrim v. Littlefield*, 92 F.3d 413, 416 (6th Cir. 1996) (“[P]ro se plaintiffs are not automatically entitled to take every case to trial. As this court has noted, the lenient treatment generally accorded to pro se litigants has limits.”); *see also Loren v. Blue Cross & Blue Shield of Mich.*, 505 F.3d 598, 607 (6th Cir. 2007) (“If Plaintiffs cannot establish constitutional standing, their claims must be dismissed for lack of subject matter jurisdiction.”).

Article III has three elements: (1) injury in fact; (2) causation; and (3) redressability. The Supreme Court defines an injury in fact as “an invasion of a legally protected interest which is (a) concrete and particularized, . . . and (b) actual or imminent, not conjectural or hypothetical.” *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992) (cleaned up). Injury in fact is the “[f]irst and foremost of standing’s three elements.” *Spokeo v. Robins*, 578 U.S. 330, 338-39 (2016); *Linsdey v. Whitmer*, 124 F.4th 408, 411 (6th Cir. 2024), cert. denied, 145 S. Ct. 2704 (2025) (citing *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 103 (1998)).

A “concrete injury” is “real and not abstract.” *Buchholz v. Meyer Njus Tanick, PA*, 946 F.3d 855, 861 (6th Cir. 2020) (citing *Spokeo*, 578 U.S. at 340). A particularized injury affects a plaintiff in a personal and individual way, *Weiser v. Benson*, 48 F.4th 617, 623 (6th Cir. 2022), and it must not be a “generalized

grievance[.]” *Mackinac Center for Public Policy v. United States*, 175 F.4th 692, 700 (6th Cir. 2026). “An actual or imminent injury” is one that must have already occurred or is likely to occur soon. *Id.*; *Parsons v. U.S. Dep’t of Just.*, 801 F.3d 701, 710 (6th Cir. 2015). To establish causation, a plaintiff must show there is a “causal connection between the injury and the conduct complained of,” which requires the injury to be fairly traceable to the challenged action of the defendant, and not the result of the independent action of some third party not before the court.” *Id.* (cleaned up). Finally, as to redressability, the plaintiff must show that it is “‘likely,’ as opposed to merely ‘speculative,’ that the injury will be redressed by a favorable decision.” *Lujan*, 504 U.S. at 561 (cleaned up). “[E]ach element must be supported in the same way as any other matter on which the plaintiff bears the burden of proof[.]” *Id.*

B. Plaintiff’s Generalized Grievance is Not a Cognizable Article III Injury

Plaintiff’s injury is not particularized and thus fails to satisfy the injury-in-fact requirement for standing. Plaintiff does not claim that she has suffered any injury or harm that, if true, would not also be felt by a more generalized collection of citizens, all of whom would appear to suffer in substantially equal measure. It is well-settled that claims advanced on behalf of such all-encompassing groups, no matter how sincere, do not satisfy the injury-in-fact requirement. Plaintiff’s

Complaint plainly does not meet this requirement. There are no facts in the Complaint alleging any discrete injury that affects her “in a personal and individual way.” *Lujan*, 504 U.S. at 560 n.1. On the contrary, she broadly challenges the “constitutionality and operation of federal campaign finance laws and their enforcement” by the FEC, (Compl. ¶¶ 13, 17, 33, 38, 57), and also by the United States, (*Id.* ¶ 19.) She alleges injury from defendants jointly for the “regulatory structure administered and enforced” by them, (*id.* ¶¶ 45, 100, 101), and abstractly posits that “[t]he financial structure of the federal campaign finance system directly affects Plaintiff’s ability to compete for elected office and participate fully in the federal electoral process.” (*Id.* at ¶ 40.)

These ambiguities notwithstanding, plaintiff’s claims of injury, at their core, are that she is but the latest in a long line of women facing an uphill battle in the American political system, resulting from centuries-old systemic barriers that persist in the present. (*See, e.g.*, Compl. ¶ 7.) This alleged injury is not particularized to plaintiff. *See R.K. by and through J.K. v. Lee*, 53 F.4th 995, 999 (6th Cir. 2022) (“Finally, plaintiffs’ argument that they are injured by the Act because it categorically violates the ADA amounts to an overly generalized grievance.”); *see Lujan*, 504 U.S. at 560 n.1 (“By particularized, we mean that the injury must affect the plaintiff in a personal and individual way.”). That plaintiff purportedly shares this alleged injury on behalf of a specific class of citizens is of

no avail. *See Hooker v. FEC*, 21 F. App'x 402, 406-07 (6th Cir. 2001) (per curiam) (“As the district court had written previously, the Supreme Court has held that an alleged harm which is a generalized grievance shared in substantially equal measure by all or a large class of citizens does not warrant the exercise of the court’s jurisdiction.”) (internal quotation marks omitted).

To the extent plaintiff claims that her interest in an equal distribution of resources has been abridged, *see, e.g.*, Compl. ¶¶ 41, 58, 67, 69, the Supreme Court has repeatedly held that plaintiffs cannot establish injury in fact “merely because their legal objection is accompanied by a strong moral, ideological, or policy objection to a government action.” *Food & Drug Admin. v. All. For Hippocratic Med.*, 602 U.S. 367, 381 (2024); *see also Lexmark Int’l, Inc. v. Static Control Components, Inc.*, 572 U.S. 118, 129-30 (2014). And the Supreme Court has never held that the kind of electoral resource disparity of which plaintiff complains constitutes a legally cognizable injury. “Political ‘free trade’ does not necessarily require that all who participate in the political marketplace do so with exactly equal resources.” *FEC v. Mass. Citizens for Life, Inc.*, 479 U.S. 238, 257 (1986). Indeed, this concern was foreclosed by the Supreme Court in *Buckley*. *See* 424 U.S. at 56 (“The interest in equalizing the financial resources of candidates competing for federal office is no more convincing a justification for restricting the scope of federal election campaigns.”); *see also Davis v. FEC*, 554 U.S. 724, 738

(2008) (“We also rejected the argument that the expenditure cap could be justified on the ground that it served ‘[t]he ancillary interest in equalizing the relative financial resources of candidates.’”); *Citizens Against Rent Control/Coal. For Fair Hous. v. City of Berkeley*, 454 U.S. 290, 295 (1981) (“*Buckley* also made clear that contributors cannot be protected from the possibility that others will make larger contributions.”).

The Sixth Circuit has also rejected a similar broad challenge to the entirety of FECA alleging discrimination based on wealth. *See Hooker*, 21 F. App’x at 406 (dismissing complaint alleging statute “further[ed] the interests of the oligarches [sic], ... [and] institutionalize[d] the participation of the Democratic and Republican political parties in the election process” for lack of standing). Plaintiff’s concerns about the burdens and “structural inequalities” imposed on certain candidates, *see* Compl. ¶ 76, “no more directly and tangibly benefits [her] than it does the public at large,” and thus, they do not establish Article III jurisdiction. *Crawford v. U.S. Dep’t of Treasury*, 868 F.3d 438, 453 (6th Cir. 2017); *see also Sykes v. FEC*, 335 F. Supp. 2d 84, 89 (D.D.C. 2004) (dismissing a complaint where the plaintiff’s “only alleged injury [was] his inability to compete equally against opponents with more money”).

Plaintiff’s allegations of economic injury are also speculative and abstract. Plaintiff begins with the premise that certain classes of individuals operate at a

disadvantage in political fundraising and concludes that her campaign exemplifies the premise because she must spend her own financial resources instead of receiving institutional support. (See Compl. ¶¶ 40-42.) But this abstract premise is neither a concrete nor particularized injury. *In re Capital Contracting Co.*, 924 F.3d 890, 897 (6th Cir. 2019); *Moncier v. Haslam*, 570 F. App'x 553, 557 (6th Cir. 2014). Even upon accepting plaintiff's premise, she does not allege any discrete injury that affects her in a personal and individual way. *See Mackinac Ctr.*, 175 F.4th at 701 (noting that plaintiff "offers legal conclusions disguised as facts"). At best, plaintiff is advancing general claims in the public interest, which are plainly inadequate to confer standing. *See Lujan*, 504 U.S. at 576 ("generalized interests of all citizens" insufficient for standing (internal quotation marks omitted); *cf. Sierra Club v. Morton*, 405 U.S. 727, 736 (1972) (ruling that a group claiming to act in the "public interest" lacked standing because the group did not allege an individualized injury).

C. Plaintiff's Claims of Historical and Structural Inequalities in the Political System are Not Traceable to the Commission

Plaintiff does not identify a single provision of FECA in the Complaint, let alone a provision that injured her and can be traced to the Commission. As such, plaintiff fails to establish the requisite causal connection between FECA and her alleged injury.

Traceability looks to whether a defendant's actions have a causal connection to a plaintiff's injuries. *Lujan*, 504 U.S. at 560. Where the alleged injury is the result of the independent action of some third party not before the court, the plaintiff generally lacks standing to seek its redress. *Crawford*, 868 F.3d at 455. A plaintiff must show the defendant's actions have had a determinative or coercive effect on the third party, such that one can say the defendant caused the third party's actions. *Changizi v. Dep't of Health and Human Servs.*, 82 F.4th 492, 497 (6th Cir. 2023), cert. denied, 144 S. Ct. 2716 (2024); *see also Turaani v. Wray*, 988 F.3d 313, 316 (6th Cir. 2021), cert. denied, 142 S. Ct. 225 (2021).

As an initial matter, the Complaint does not speak consistently to which defendant's conduct allegedly injured plaintiff. At different points, plaintiff refers to the campaign finance regulatory framework and assigns responsibility over its enforcement, and the purportedly injurious conduct, to the FEC, (Compl. ¶¶ 13, 17, 33, 38, 57), the United States, (*id.* ¶ 19), or both defendants (*id.* ¶¶ 45, 100, 101). Furthermore, plaintiff points to historical conditions that have generated systemic barriers to women in the political system, but much of those historical conditions pre-date FECA and the FEC. The Commission did not exist until the FECA amendments of 1974, well after the specific dates cited in the Complaint, some of which seemingly trace back to the nation's founding. (*See* Compl. ¶ 20 (“Throughout most of United States history, women were legally excluded from

full participation in political and civic life.”); *id.* ¶ 3 (“As early as 1875, the United States Supreme Court affirmed legal doctrines reinforcing these barriers.”).)

Moreover, the ongoing barriers alleged in the Complaint appear to be the product of third parties, *i.e.*, institutional donors who are allegedly “less accessible to women candidates.” (*Id.* ¶ 43.) In any event, such accessibility concerns are not traceable to the Commission. Even if plaintiff had identified a FECA provision in the Complaint, such provision would not stand for the principle that plaintiff is entitled to better access to campaign funds. Indeed, other federal courts have emphasized the absence of traceability in similar cases. For example, in *Whitmore v. FEC*, a third-party candidate for Congress alleged that FECA is unconstitutional because it does not prohibit out-of-state campaign contributions. 68 F.3d 1212, 1215 (9th Cir. 1996). As the Ninth Circuit described the complaint, “[t]he claim of injury is basically that out-of-state money helps the Republican and Democratic candidates drown out the campaign of a third party candidate such as Ms. Whitmore.” *Id.* at 1214. The court concluded that FECA could not be the cause of the claimed injuries because it “neither prohibits nor authorizes out-of-state campaign contributions.” *Id.* at 1215.

Instead, the alleged harms “derive[d] from the acts of other citizens,” who chose to contribute to plaintiff’s electoral rivals. *Id.* *Accord Sykes*, 335 F. Supp. 2d at 87-89 (FECA did not cause harm allegedly resulting from the giving of out-

of-state contributions to a plaintiff's electoral opponent). *See also Albanese v. FEC*, 78 F.3d 66, 68 (2d Cir. 1996) (per curiam) ("First, the injury they assert is not 'fairly traceable' to FECA. FECA does not require that contributions be made to any candidate. Rather, it limits the amounts of contributions that may be made."); *Cf. Tierney v. FEC*, 538 F. Supp. 2d 99, 102-03 (D.D.C 2008) ("The specific decision not to provide *him* any financial support, then, is not traceable to the FEC or to FECA more generally.").

On its face, the Complaint does not demonstrate that any of plaintiff's alleged injuries were caused by the Commission, as opposed to independent actions of numerous voters, campaign contributors, legislators, and other persons. Absent this foundation, the court cannot hold that the Commission has caused plaintiff injury.

D. A Favorable Ruling Would Not Grant Plaintiff Redress

Plaintiff's wide-ranging critique of the "federal campaign finance system" is essentially a policy complaint that Congress has not legislated in the manner that plaintiff would prefer, rather than a redressable injury. She thus fails to satisfy the third prong of Article III standing.

An injury is redressable if a court's order can provide "substantial and meaningful relief." *Parsons*, 801 F.3d at 716 (6th Cir. 2015) (quoting *Larson v. Valente*, 456 U.S. 228, 243 (1982)). Under this third prong of standing, a plaintiff

must show it is likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision. *Lujan*, 504 U.S. at 561; *Ames v. LaRose*, 86 F.4th 729, 731-32 (6th Cir. 2023) (dismissing challenge to state statute where favorable ruling would not redress plaintiff’s alleged injury). While plaintiff raises policy arguments about systemic barriers to the political system, the FEC is not the proper vehicle for resolving them. Plaintiff’s claim does not fall under FECA or Commission enforcement. Rather, she grounds her complaint in principles of equality, and abstract concerns about the country’s historical legislative decisions. (See Compl. ¶1 (“Plaintiff brings this action to challenge structural inequalities embedded within the political and economic systems.”); *id.* ¶ 62 (lawsuit “challenges the interaction between these historical inequalities and the federal campaign finance regulatory framework”).) Yet, the responsibilities for assessing the wisdom of policy choices and resolving the struggle between competing views of the public interest are not judicial determinations. *Minnesota v. Clover Leaf Creamery Co.*, 449 U.S. 456, 469, (1981) (“[I]t is up to legislatures, not courts, to decide on the wisdom and utility of legislation”) (quoting *Ferguson v. Skrupa*, 372 U.S. 726, 729 (1963)). See also *Sykes*, 335 F. Supp. 2d at 93 (seeking to avoid usurping legislative role through reforming legislation). Legislative policy over the federal campaign finance framework is a matter committed exclusively to

Congress and not the judiciary. *Clover Leaf Creamery Co.*, 449 U.S. at 469; *see also Kaplan v. Cnty. of Los Angeles*, 894 F.2d 1076, 1082 (9th Cir. 1990).

Additionally, the relief plaintiff seeks, declaration that enforcement of the campaign finance framework violates the Constitution, will not redress her alleged injuries. On the contrary, to essentially obviate FECA would seemingly run against plaintiff's goal of a more rigorously policed campaign finance framework. *See Schonberg v. FEC*, 792 F. Supp. 2d 14, 19 (D.D.C. 2011) (per curiam) ("Without a statute specifying permissible and impermissible uses of federal campaign contributions, the Constitution would be the only source for controlling legal authority governing relevant conduct.") Nor does plaintiff state how declaring FECA unconstitutional would prevent a disparity in congressional campaign contributions or resources. Thus, not only does plaintiff's complaint fail to meet the redressability component of standing, it arguably seeks a ruling that would grant her the opposite of redress.

In sum, because plaintiff's complaint fails to meet any of the requirements for standing, the Complaint should be dismissed.

II. PLAINTIFF DOES NOT MAKE THE NECESSARY SHOWING FOR INJUNCTIVE OR DECLARATORY RELIEF

Plaintiff's raises her third claim under the Declaratory Judgment Act. (Compl. ¶¶ 98-104.) But this does not cure the Complaint's jurisdictional defects.

Under established law, the Declaratory Judgment Act is not an independent basis of subject matter jurisdiction. 28 U.S.C. § 2201. The Act only provides courts with discretion to fashion a remedy. *See Heydon v. MediaOne of Se. Mich., Inc.*, 327 F.3d 466, 470, 471-72 (6th Cir. 2003). Thus, “[a] plaintiff cannot circumvent the well-pleaded complaint rule by seeking a declaratory judgment that a federal law is unconstitutional” if the complaint would not otherwise establish jurisdiction. *Id.* at 471; *see also Fieger v. Michigan Supreme Ct.*, 553 F.3d 955, 961 (6th Cir. 2009).

Plaintiff is not entitled to declaratory or injunctive relief. Like the allegations in counts one and two, nothing in count three goes to satisfy the three prongs of Article III standing. In asserting a generalized grievance, she does not make out a showing of present harm or a probability of future harm. *See Davis v. Detroit Public Schs. Cmty. Dist.*, 899 F.3d 437, 441 (6th Cir. 2018) (affirming district court’s dismissal of case for lack of standing where plaintiff seeking declaratory relief raised only a generalized grievance). The relief plaintiff seeks, declaratory and injunctive relief barring the Commission from enforcing the “regulatory framework” in a way that violates the Constitution, would in no way provide any concrete relief to the various harms plaintiff has alleged, and does not square with the Supreme Court’s interpretation of FECA. *See Buckley*, 424 U.S. at

56. Because plaintiff has failed to establish standing, declaratory relief under the Declaratory Judgment Act is unwarranted.

CONCLUSION

Plaintiff's allegations are insufficient to invoke the Court's subject matter jurisdiction under any component of the Article III standing framework. In the absence of subject matter jurisdiction, there is also no basis to grant declaratory or injunctive relief. The Court should properly dismiss the Complaint.

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June 22, 2026

CERTIFICATE OF SERVICE

I hereby certify that filed the forgoing Motion to Dismiss and Brief in Support of Motion to Dismiss for the Federal Election Commission electronically using the Court's CM/ECF system, which will then send a notification of such filing to counsel below, on the 22nd day of June 2026. Paper copies will also be mailed to:

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/s/ Michael D. Contino
Michael D. Contino

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHELBY CAMPBELL,

Plaintiff,

v.

FEDERAL ELECTION
COMMISSION,

Defendant,

UNITED STATES OF AMERICA,

Defendant.

Civil No. 2:26-cv-10849

Honorable Laurie J. Michelson

Magistrate Judge Kimberly G.
Altman

BRIEF FORMAT CERTIFICATION FORM

I, Michael D. Contino, hereby certify that the foregoing brief complies with Eastern District of Michigan Local Rules 5.1(a), 5.1.1, and 7.1 and Judge Michelson's Case Management Requirements. In particular, I certify that each of the following is true (click or check box to indicate compliance):

- the brief contains a statement regarding concurrence, *see* LR 7.1(a);
- the brief, including footnotes, uses 14-point font, *see* LR 5.1(a)(3);
- the brief contains minimal footnotes and, in all events, no more than 10, *see* Case Management Requirements § III.A;
- the brief and all exhibits are searchable .pdfs, *see* Case Management Requirements § III.A;
- the brief is double spaced (except for footnotes and necessary block quotes) with one-inch margins, *see* LR 5.1(a)(2);
- deposition transcripts have been produced in their entirety and not in manuscript, *see* Case Management Requirements § III.A;

if the brief and exhibits total 50 pages or more, a courtesy copy with ECF headers will be sent to chambers, *see* Case Management Requirements § III.B.

I also acknowledge that if the Court later finds that these requirements are not met, my brief will be stricken.

/s/ Michael D. Contino

Dated: June 22, 2026